

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed March 24, 2004 ("*Office Action*"). Claims 1-41 were pending in the Application. Claim 11 stands objected to, and Claims 1-41 stand rejected. Applicant cancels Claims 1-41 without prejudice or disclaimer and adds new Claims 42-82. Applicant respectfully requests reconsideration and favorable action in this case.

### **Claim Objection and Rejections**

The Examiner objects to Claim 11 and rejects Claims 1-41 based upon various uses of U.S. Patent No. 6,671,810, which issued to Jardin ("*Jardin*"), and U.S. Patent No. 6,643,701, which issued to Aziz ("*Aziz*"). Applicant cancels Claims 1-41 without prejudice or disclaimer. Applicant addresses *Jardin* and *Aziz* with respect to new Claims 42-82.

### **New Claims**

Applicant adds new Claims 42-82, which are fully supported by the specification as originally filed. Applicant respectfully submits that various elements of these claims are not disclosed, taught, or suggested by *Jardin*, alone or in combination with *Aziz*.

For example, *Jardin*, alone or in combination with *Aziz*, fails to show the following elements of independent Claim 42:

the communication server operable to couple to the initiating device and the first destination device, to receive the first request, to select a first algorithm for securing the first communications, to transmit to the initiating device first information identifying the first algorithm, to determine that the first destination device supports encryption of the first communications, and to transmit to the first destination device the first information in response to determining that the first destination device supports encryption of the first communications, the communication server further operable to couple to the second destination device, to receive the second request, to select a second algorithm for securing the second communications, to transmit to the initiating device information identifying the second algorithm, to determine that the second destination device does not support encryption of the second communications, to establish an encrypted link with the initiating device in response to determining that the second destination device does not support encryption of the second

communications, and to establish an unencrypted link with the second destination device in response to determining that the second destination device does not support encryption of the second communications.

As another example, *Jardin*, alone or in combination with *Aziz*, fails to show the following elements of independent Claim 43:

the communication server operable to couple to the initiating device and the destination device, to receive the request, to select an algorithm for securing the communications, to transmit to the initiating device information identifying the selected algorithm, to determine that the destination device supports encryption of the communications, and to transmit to the destination device the information in response to determining that the destination device supports encryption of the communications.

As another example, *Jardin*, alone or in combination with *Aziz*, fails to show the following elements of independent Claim 50:

the communication server operable to couple to the initiating device and the destination device, to receive the request, to select an algorithm for securing the communications, to transmit to the initiating device information identifying the selected algorithm, to determine that the destination device does not support encryption of the communications, to establish an encrypted link with the initiating device in response to determining that the destination device does not support encryption of the communications, and to establish an unencrypted link with the destination device in response to determining that the destination device does not support encryption of the communications

As another example, *Jardin*, alone or in combination with *Aziz*, fails to show the following elements of independent Claim 57:

wherein, in response to determining that the destination device supports encryption of the communications, the communication server is further operable to facilitate establishment of an encrypted link between the initiating device and the destination device; and

wherein, in response to determining that the destination device does not support encryption of the communications, the communication server is further operable to establish an encrypted link between the initiating device and the

communication server and to establish an unencrypted link between the communication server and the destination device.

As another example, *Jardin*, alone or in combination with *Aziz*, fails to show the following elements of independent Claim 65:

in response to determining that the destination device supports encryption of the communications, facilitating establishment of an encrypted link between the initiating device and the destination device;

in response to determining that the destination device does not support encryption of the communications:

establishing an encrypted link between the initiating device and the communication server; and

establishing an unencrypted link between the communication server and the destination device.

Independent Claims 73 and 81 include elements analogous to the elements of independent Claim 65. Thus, *Jardin*, alone or in combination with *Aziz*, also fails to show the analogous elements found in independent Claims 73 and 81.

Thus, for all of these reasons, Applicant respectfully requests the Examiner to consider and allow independent Claims 42, 43, 50, 57, 65, 73, and 81 and their respective dependent claims.

**CONCLUSION**

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Although no fees are believed to be currently due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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